IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 180 OF 2004

Shri Mohan Vasudev
Palyenkar, s/o Vassudev
Palyenkar, major of age,
/o Cuirim, Bardez, Goa. ... Petitioner

Versus

1. Managing Committee of
the Temple of Shri
Bhumika Sateri Devasthan,
Guirim, Bardez, Goa,
represented by its members:

(a) Shri Namdev Babuso Chodancar,
President, holding the
charge of Temple, r/o
Guirim, Bardez, Goa,

(b) Shri Suryakant Vithu
Mayenkar, Treasurer,
r/o Guirim, Bardez, Goa,

(c) Shri Hanuman U. Kanolkar,
the attorney, r/o
Guirim, Bardez, Goa,

(d) Shri Vamanrao A. Verlekar,
Secretary, r/o Guirim,
Bardez, Goa.

2. Shri Prakash Laxman
Naik, r/o Vancio, Guirim,
Bardez, Goa,

3. Shri Manoj Vasant
Chodankar, r/o Vancio,
Guirim, Bardez, Goa,

4. Shri Uday Pirankar,
r/o Sorvem, Guirim,
Bardez, Goa,

5. Shri Narayan Palyekar,
r/o Vancio Guirim,
Bardez, Goa,

6. Shri Rama Bagkar,
r/o Sorvem, Guirim,
Bardez, Goa,

7. Shri Gopal Bhim Naik,

r/o Vancio, Guirim,
Bardez, Goa,

8. Shri Narayan Jaidev
Hadfadka, r/o Vancio,
Guirim, Bardez, Goa,

9. Shri Vamanrao A.
Verlekar, r/o Sorvem,
Guirim, Bardez, Goa, and

10. Shri Gurudas Kusta
Lotlikar, r/o Guirim,
Bardez, Goa. ...Respondents.

Shri J. P. Mulgaokar, advocate for the petitioner.

CORAM : S. A. BOBDE, J.

DATE : 2nd July, 2004.

ORAL ORDER

By this petition the petitioner challenges the Order dated 27th February, 2004, passed by the Administrative Tribunal, Goa, dismissing the petition filed by the petitioner under Article 30 of the Devasthan Regulation. The petitioner had challenged the election of the new managing committee elected on 14th December, 2003, in the special session of general body of Shri Bhumika Sateri Devasthan, Small Guirim, Bardez, Goa. The petitioner filed the petition in his right as a Mahajan. Learned counsel for the petitioner urged two points before this Court.

2. According to the learned counsel the notice for holding election ought to have been held as invalid by the tribunal firstly on the ground that it was not signed by the President and it was signed by the Secretary. The Tribunal has, vide paragraph 17 held that there is no provision under

the Devasthan Regulation that the notice has to be signed by the President and there is no merit in the contention. No provision of law is pointed out to this Court which shows that the notice was required to be signed by the President. The finding of the Tribunal in that regard is, therefore, correct.

3. Secondly, the learned counsel for the petitioner submitted that sufficient advance notice as contemplated by Article 38(4) of the Devasthan Regulation, for holding the election was not given. The notice was published in the Official Gazette dated 4th December, 2003, and elections were held on 14th December, 2003. The Tribunal has held that the contention of the petitioner that there should be ten clear days notice is not well-founded because Article 38(4) of the Devasthan Regulation only contemplates the provision of notice which is ten days in advance. It is clear that since the notice was published on 4th December, 2003, the elections can be said to have been held on the 11th day thereafter, i.e. on 14th December, 2003, counting the date of issue of notice, i.e. 4th December, 2003, as the first day. The learned counsel for the petitioner contended that the first day i.e. 4th December, 2003, and the date on which the elections were held, i.e. 14th December, are liable to be excluded in view of Section 9 of the General Clauses Act, 1897. Section 9 of the General Clauses Act reads as follows:-

> "9. Commencement and termination of time. -
>
> (1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".
>
> (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887."

4. It is clear from Section 9 of the General Clauses Act that it provides that for the purpose of excluding the first in series of days it is sufficient to use the word "from", and for the purpose of including the last in a series of days, or any other period of time, to use the word "to". Since these words are not used in the present Regulation, I am of the view that Section 9 is of no avail to the petitioner.

5. Hence, there is no merit in the petition which is hereby dismissed.

S. A. BOBDE, J.

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